

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1, 4, 7, 9, 10, and 14 are in the present application. It is submitted that the claims, as originally presented, were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. Changes to the claims as presented herein, are not submitted for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are submitted simply for clarification and to round out the scope of protection to which Applicants are entitled. Claims 3, 5, 6, and 11-13 are canceled.

Claim 10 was rejected under 35 U.S.C. § 112, 2nd paragraph, as lacking proper antecedent basis for “the identification key” limitation. Applicants have amended claim 7, from which claim 10 depends, to provide an antecedent basis for this limitation. Accordingly, this rejection is moot.

Claims 1, 3-7 and 9-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Herz et al. (U.S. Patent 5,758,257). However, in the present invention “said general user selection taste data is dispersed data, including time related data, that is interpolated into continuous data by an interpolation method specified by an identification key.” (Claims 1 and 7) It is respectfully submitted that the cited portions of the prior art Herz reference do not disclose

the above-recited features of independent claims 1 and 7. Specifically, Herz fails to disclose “an interpolation method specified by an identification key” as recited in the present claims. This limitation is disclosed in the specification at page 26, lines 18-22. Further, the general user selection taste data is stored as dispersed data in table format as shown in Figure 25A and can be interpolated in the manner described on pages 27-29 of the specification to effectively produce continuous data on a timeline similar to that shown in Figure 25B. Herz does not disclose an analogous technique. Therefore, for at least these reasons, Herz fails to anticipate the present invention and claims 1, 4, 7, 9, 10, and 14 should now be allowed.

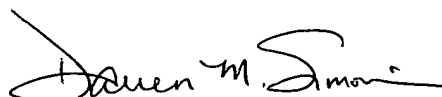
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", written over a horizontal line.

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